CHAPTER xxxi.

An Act for conferring on the Millom Local Board further powers in relation to the supply of Gas and Water and for other purposes. [18th June 1894.]

A.D. 1894.

WHEREAS the Local Board for the district of Millom in the county of Cumberland are the urban sanitary authority for their said district:

And whereas the Local Board under powers contained in the Millom Gas and Water Act 1875 constructed the gasworks and the waterworks by that Act authorised and are now supplying gas and water in the townships of Millom Below and Chapel Sucken both in the parish of Millom: 38 & 39 Vict. c. lxxxi.

And whereas it is expedient to extend the limits within which the Local Board are authorised to supply gas and to enable them to manufacture and store gas and to manufacture store and convert residual products on the lands described in the schedule to this Act and to supply and deal in gas fittings and apparatus for heating motive and other purposes:

And whereas the supply of water from the present waterworks of the Local Board is at times inadequate to meet the present and growing demands of the inhabitants within the water limits of the Local Board and it is expedient to empower the Local Board to make and maintain the additional works by this Act authorised:

And whereas it is expedient in view of the execution of such additional works to extend the limits within which the Local Board are authorised to supply water so as to make them coincident with the extended gas limits:

And whereas it is expedient that the Local Board be empowered with the sanction of the Local Government Board to exercise for the purposes of this Act their unexhausted borrowing powers under the Millom Gas and Water Act 1875:

And whereas it is expedient to amend the provisions of the Millom Gas and Water Act 1875 with respect to repayment of

A.D. 1894.

moneys borrowed by the Local Board for the purposes or under the authority of that Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the fifteenth day of December one thousand eight hundred and ninety-three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Millom Gazette" a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate and any funds revenues or rates under the control of the Local Board and to apply in or towards such expense any moneys already borrowed by the Local Board but not expended:

And whereas such resolution was published twice in the "Millom News" a local newspaper published or circulating in the district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers in the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Cumberland and are in this Act referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

I.—Preliminary.

Short title.

1. This Act may be cited as the Millom Local Board Act 1894.

A.D. 1894.

Incorporation of general enactments.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely:—

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and for the purpose of incorporation with this Act and with the Act of 1875 section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with "the consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted from such section:

The Waterworks Clauses Act 1863.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction:

Provided that in the said Acts for the purposes of this Act—

"The undertakers" or "the Company" means the Local Board:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute:

In this Act "the Local Board" means the Millom Local Board and "the Act of 1875" means the Millom Gas and Water Act 1875.

Execution of Act.

4. This Act shall be carried into execution by the Local Board.

II.—Gas.

Extension of gas limits.

5. The limits of the Act of 1875 are for the purposes of gas supply hereby extended so as to include the townships of Millom Above and Thwaites both in the parish of Millom and also the parish of Whicham in the county of Cumberland and the Local Board may exercise all their statutory and other powers relating in any manner to the supply of gas throughout such extended limits.

Power to manufacture gas &c. on

6. The Local Board may use the lands described in the schedule to this Act for the purpose of manufacturing gas and manufacturing

A.D. 1894.

additional lands in schedule.

and converting residual products (including the working up of ammoniacal liquor into liquor ammoniac sulphate or carbonate of ammonia) of any description as well as the lands described in the schedule to the Act of 1875.

Power to supply fittings heating apparatus engines &c.

7. The Local Board may manufacture purchase hire let on hire deal in and supply meters fittings stoves ranges and cooking or heating apparatus and also engines and machinery for the production by means of gas of motive power for any purpose whatsoever and may take charges and remuneration in respect thereof.

Local Board may decline to supply gas until payment of arrears.

8. If any person requiring a supply of gas from the Local Board has previously quitted premises at which gas was supplied to him by them without paying to them all sums due in respect of gas supply or meter rent they may if they think fit refuse to furnish to him a supply of gas until he pays all such sums as aforesaid.

III.—Water.

Power to make additional works.

9. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and on the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):—

A dam or weir with sluice inlet from or connected with the stream known as Stoupdale Beck situate wholly in the parish of Whicham in the county of Cumberland to be formed on the east side of and across the said stream at a point thereon three hundred yards or thereabouts measured in a northerly direction from the "Sheepfold" situate in the north-west corner of the Enclosure No. 16 on the Ordnance Map of the said parish of Whicham ($\frac{1}{2500}$ scale):

An aqueduct conduit or line of pipes situate wholly in the said parish of Whicham commencing at the south end of the proposed dam or weir herein-before mentioned and terminating at the south-western corner of the existing storage reservoir of the Local Board known as Baystone Bank Reservoir:

Together with all necessary or proper embankments dams by-washes culverts channels communications outfalls overflows sluices filter-beds weirs gauges tanks pipes and other apparatus and conveniences connected with the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing and managing the same.

Power to enlarge existing reservoir.

10. The Local Board may enlarge the area and capacity of their existing storage reservoir known as Baystone Bank Reservoir by

raising the embankment or retaining wall thereof throughout its entire length and the waste weir on the south side thereof to an extent not exceeding three feet in vertical height and may execute and do all works and acts necessary or proper for strengthening such embankment or wall by proportionately increasing its thickness throughout and for effecting such enlargement and maintaining the enlarged reservoir in a sound and satisfactory state.

For the protection of the Right Honourable James Lowther.

11. Nothing herein contained shall prejudice or affect the right (if any) of the Right Honourable James Lowther and his sequels in estate as owners of the minerals in the watersheds of the said stream known as Stoupdale Beck and the tributaries thereof and the springs and waters which directly or derivatively flow or proceed into or out of the same respectively or any of them above the place where the Local Board are by this Act authorised to intercept or impound the waters thereof of using in such manner and to such extent as he and they might have done had this Act not passed the waters of the said stream or beck tributaries springs and waters aforesaid or any of them Provided always that such user shall not extend to permit the owner of minerals for the time being to pollute the water supply of the Local Board.

New works to form part of undertaking.

12. The works to be constructed under the authority of this Act shall for all purposes form part of the statutory water undertaking of the Local Board.

Power to take lands and waters.

13. Subject to the provisions of this Act the Local Board may enter on take and use such of the lands delineated and described in the deposited plans and book of reference as may be required for the purposes of this Act and they may for the purposes of their waterworks intercept take collect divert impound and appropriate the waters of the stream known as Stoupdale Beck at a point immediately above the dam or weir shown on the deposited plans and all tributaries of the said beck above the proposed point of abstraction and all springs and waters which can or may be intercepted or taken by the intended works or which may be found in or under any of the lands acquired by the Local Board Provided that the Local Board shall not under the powers of this Act purchase or acquire for the purposes of the works by this Act authorised a greater quantity of common or commonable lands than one acre and one rood and in lieu of acquiring any common or commonable lands for the purpose of the aqueduct conduit or line of pipes by this Act authorised the Local Board shall acquire an easement only in and through such lands for the purpose of making maintaining inspecting cleansing and repairing the same and the section of this

A.D. 1894.

Act with the marginal note "Power to acquire easements only for line of pipes" shall apply accordingly.

Restriction on quantity of water to be taken by Local Board.

14. Notwithstanding anything in this Act contained the Local Board shall not take in any day any of the waters of the Stoupdale Beck unless there shall be not less than one hundred and ten thousand gallons per day running down such beck over a gauge to be constructed by the said Local Board as herein-after provided at a point immediately below the point of the said Local Board's intake from the Stoupdale Beck as provided by this Act The Local Board shall prior to taking or impounding any of the waters of the Stoupdale Beck make and construct and shall for ever maintain a proper and sufficient gauge at the said point immediately below the said point of intake over or through which the said daily quantity of water shall flow and shall at all times permit and allow the owners for the time being of the Whicham Mines and Kirksanton Mill and all persons authorised by them free access from time to time to inspect the said gauge and to take measurements therefrom If the Local Board shall take any water from the Stoupdale Beck in contravention of this section they shall be liable to a penalty not exceeding twenty pounds per diem for every day during which they shall so continue to take water every such penalty to be recoverable summarily.

Application of moneys from sale of lands.

15. The Local Board shall apply all moneys from time to time received by them in respect of any sale of superfluous lands under this Act in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board and any such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Limits of lateral deviation.

16. In the construction of the waterworks authorised by this Act the Local Board may deviate laterally from the lines thereof as shown on the desposited plans to the extent of the limits of lateral deviation shown thereon.

Limits of vertical deviation.

17. In the construction of the waterworks authorised by this Act the Local Board may deviate vertically from the levels shown on the deposited sections with reference to the datum line to any extent not exceeding three feet upwards or seven feet downwards but not so as to raise the aqueduct conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections Provided that the Local Board shall not in exercise of the powers of lateral deviation construct the embankment or retaining wall of the reservoir so that the maximum height

thereof shall be more than three feet greater than the maximum height thereof as shown on the deposited sections Provided also that if the embankment or retaining wall be constructed of any greater height than that shown on the deposited sections its thickness shall also be proportionately increased beyond that shown on such sections.

Power to acquire easements only for line of pipes.

18. The Local Board may in lieu of acquiring any lands for the purpose of the aqueduct or line of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided that nothing herein contained shall authorise the Local Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Local Board to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso but this proviso shall not apply in regard to so much of the aqueduct or line of pipes as is constructed in or through common or commonable lands:

Provided that as regards any lands taken or used by the Local Board for the purpose of making such aqueduct or line of pipes the Local Board shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Local Board.

Restriction on taking houses of labouring class.

19. The Local Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

A.D. 1894.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Time for compulsory purchase of lands.

20. The powers of the Local Board for compulsory purchase of lands under this Act shall cease after the expiration of two years from the passing of this Act.

Time for completion of works.

21. If the dam or weir and the aqueduct by this Act authorised are not completed within two years from the passing of this Act and if the enlargement of the Baystone Bank Reservoir by this Act authorised is not completed within ten years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted for the making of those respective works shall cease except as to such of them or so much thereof respectively as shall be then completed.

Power to grant easements.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to hold lands needful to prevent fouling and to protect waterworks.

23. The Local Board may hold any lands acquired by them under this Act and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Local Board shall not erect any buildings on the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Extension of water limits.

24. The limits of the Act of 1875 are for the purposes of water supply hereby extended so as to include the townships of Millom Above and Thwaites both in the parish of Millom and also the parish

of Whicham and the Local Board may exercise all their statutory and other powers relating in any manner to the supply of water throughout such extended limits.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

25. If at any time after the passing of this Act any sanitary authority whose district is beyond the district of the Local Board but within their limits for the supply of water shall give not less than six months notice in writing to the Local Board of their desire to purchase such portion of the waterworks and plant of the Local Board as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Local Board (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Local Board for the supply of water) and to supply water within such district then it shall not be lawful for the Local Board to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Local Board shall sell and such sanitary authority shall purchase the portion of the waterworks and plant of the Local Board (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Local Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Local Board to supply water within such district shall cease and determine.

IV.—Financial.

Power to borrow for purposes of Act.

26. The purposes of this Act shall be purposes for which the Local Board are authorised with the sanction of the Local Government Board to borrow under the Act of 1875 and sections 104 to 110 and section 113 of that Act as amended or varied by this Act shall be read and construed and have effect accordingly so as to enable the Local Board to avail themselves to such extent and on such conditions as may be sanctioned by the Local Government Board of the unexhausted borrowing powers conferred by the Act of 1875.

Provisions of Public Health Act as to mortgages to apply.

27. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

A.D. 1894.

Section 238. Transfer of mortgages.
Section 239. Receiver may be appointed in certain cases.

Repayment of money borrowed under this Act.

28. The Local Board shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for purposes other than the costs of this Act within thirty years from the date of borrowing the same respectively:

As to moneys borrowed for the purpose of the payment of the costs of this Act within ten years from the date of borrowing the same respectively.

Mode of repayment of moneys borrowed under Act.

29. The Local Board shall pay off all money borrowed by them under this Act by equal yearly or half-yearly instalments of principal or of principal and interest combined or by a sinking fund within the respective periods in that behalf prescribed by this Act.

Provisions as to sinking fund.

30.—(1.) Where the Local Board effect the repayment of any money borrowed under this Act by means of a sinking fund they shall in every year pay into such sinking fund out of the funds revenues or rates on the security of which the money was borrowed such equal annual sum as will with the accumulation thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the money within the period fixed for such repayment.

(2.) The date for the first payment into the sinking fund in respect of any money borrowed under this Act shall be the twenty-fifth day of March next following the date on which such money shall have been borrowed.

Investment of sinking fund.

31.—(1.) All sums paid into any sinking fund shall be as soon as may be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures stock or other securities (not being annuities or securities payable to bearer) of any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Local Board in like manner.

(2.) If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds revenues or rates which are liable for the equal annual payments

and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

Application of sinking fund.

32.—(1.) The Local Board may at any time apply the whole or any part of a sinking fund in or towards the discharge of the principal moneys or any part of the principal moneys for the discharge of which the fund was created.

(2.) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of the principal moneys owing by the Local Board under this Act have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the part of the sinking fund so applied at the rate per centum on which the equal annual payments to the fund are based.

(3.) When the amount standing to the credit of the sinking fund shall be equal in market value to the principal moneys then due and outstanding the Local Board may in lieu of investing the yearly income arising from the sinking fund apply the same in payment of the interest of the principal moneys then outstanding and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to re-borrow.

33. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Repayment of balance of certain moneys already borrowed under Act of 1875.

34. And whereas the Local Board from time to time in the years one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight borrowed under the Act of 1875 sums amounting in the aggregate to twenty thousand pounds for gas and water purposes and from time to time between the years one thousand eight hundred and seventy-eight and one thousand eight hundred and ninety-one they borrowed under the Act of 1875 for

A.D. 1894.

the same purposes sums amounting in the aggregate to seventeen thousand nine hundred and seventy pounds whereof a balance of twelve thousand one hundred and forty-seven pounds or thereabouts now remains outstanding and by section 112 of the said Act all moneys borrowed under it were (irrespectively of the dates of borrowing) required to be paid off within thirty years reckoned from the transfer of the gas and water undertakings from the Millom Gas and Water Company to the Local Board which took place in the year one thousand eight hundred and seventy-seven and it is expedient to alter and amend the said enactment as respects the said outstanding balance Therefore it is hereby enacted that—

(1.) The Local Board shall pay off or make provision for paying off the sum of twelve thousand one hundred and forty-seven pounds being the outstanding balance of the said sum of seventeen thousand nine hundred and seventy pounds borrowed by them under the Act of 1875 and outstanding at the date of the passing of this Act within thirty years from the date of the borrowing of the same respectively :

(2.) The provisions of the five last immediately preceding sections of this Act shall so far as applicable extend and apply mutatis mutandis to the said moneys and to the Local Board in relation thereto as if the same had been borrowed under the powers of this Act Provided that the date for the first payment by instalments or into the sinking fund shall be the twenty-fifth day of March one thousand eight hundred and ninety-five.

Period for repayment of moneys to be hereafter borrowed.

35. Notwithstanding anything in the Act of 1875 all moneys hereafter borrowed in exercise of its powers shall if no period of repayment is prescribed by this Act be repaid within thirty years from the date of borrowing the same respectively or within such period as may in the case of any particular loan or loans be prescribed or sanctioned by the Local Government Board.

Saving priority of existing charges.

36. All charges on the property funds revenues and rates of the Local Board existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Local Board under the powers of this Act.

Expenses of Act.

37. The costs charges and expenses preliminary to and of and incidental to preparing applying for and obtaining this Act (including the costs charges and expenses preliminary to and of and connected with obtaining the recited resolution of owners and ratepayers) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the funds revenues and rates under the control of the Local Board or out of moneys borrowed under the powers of this Act.

SCHEDULE.

Gas Lands.

A piece or parcel of land containing by admeasurement six thousand four hundred and fourteen square yards or thereabouts situate in Newtown Millom in the township of Millom Below in the parish of Millom in the county of Cumberland which land is bounded on the north by the Hodbarrow branch of the Furness Railway Company on the east by the existing gasworks of the Local Board on the south by land now or late belonging or reputed to belong to Edward Satterthwaite and on the west by a road known as Lancashire Road leading from Newtown aforesaid to the Millom Embankment and Marsh The said piece or parcel of land belongs or is reputed to belong to and is in the occupation of the Local Board.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.